

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

FAIRLEY W. EARLS,

Plaintiff,

Case No. 05-C-92

v.

ATTORNEY ANTHONY L. O'MALLEY,
ZACHERL, O'MALLEY & ENDEJAN, S.C.
and XYZ INSURANCE COMPANY,

Defendants.

OPINION AND ORDER

Counsel for the Plaintiff in this matter has contacted the court by letter to explain that he will not be able to participate in the Scheduling Conference set for June 14, 2005, and that conflicts would prevent him from participating in a conference prior to that date and on June 24, 2005. He also states that the Plaintiff's claim for legal malpractice is dependant upon the outcome of the Plaintiff's retrial which may commence in September of 2005, in state court.

Based upon these circumstances, the court ORDERS that the scheduling conference set for June 14, 2005, is removed from the court's calendar.

IT IS FURTHER ORDERED that this action is stayed. The Clerk of Court shall submit a JS-6 Form to the Administrative Office of the United States Courts, thereby closing this case for statistical purposes.

IT IS FURTHER ORDERED that nothing in this order shall be considered a dismissal or disposition of this matter and any party may reopen the case at any time

by advising the court and opposing counsel in writing that the party is ready to proceed with the case and that the judgment is final in the underlying criminal matter.

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 17th day of May, 2005.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge